



October 29, 2014

1516 Ninth Street
Hearing Room A – First Floor
Sacramento, California 95814
9 a.m.
(Wheelchair Accessible)

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:

1. **HUNTINGTON BEACH ENERGY PROJECT (12-AFC-02).** Possible adoption of the Committee's Revised Presiding Member's Proposed Decision on the Huntington Beach Energy Project, and Errata. The Committee issued its Revised Presiding Member's Proposed Decision on October 9, 2014. The Huntington Beach Energy Project is a 939 megawatt power (MW) generation facility. The proposed project would be located on the site of the existing Huntington Beach Generating Station, located at the northeast corner of the intersection of Pacific Coast Highway and Newland Street in Huntington Beach. Contact: Susan Cochran. (Staff presentation: 15 minutes)
2. **CARLSBAD ENERGY CENTER PROJECT (07-AFC-06C).** Decision on the appeal filed by Rob Simpson of the Carlsbad Amendments Committee's September 23, 2014, Decision granting his Petition to Intervene in the proceeding. Mr. Simpson is appealing the portion of the decision which limits his participation as an Intervenor to the topic areas of Air Quality, Greenhouse Gases, and Public Health. The Carlsbad Energy Center, if amended as proposed, would be a 632 MW power generation facility, located on the eastern portion of the Encina Power Station (EPS), west of Interstate-5 and south of the Agua Hedionda Lagoon, in the City of Carlsbad in San Diego County. Contact: Paul Kramer. (Staff presentation: 10 minutes)
3. **PETITION FOR RULEMAKING.** Consideration of Rob Simpson and Helping Hand Tools' petition requesting that the Energy Commission initiate a rulemaking to consider changes to California Code of Regulations, Title 20, section 1769, which governs post certification amendments and changes. Contact: Jared Babula. (Staff presentation: 5 minutes)
4. **DIGITAL ENERGY, INC.** Proposed resolution approving Agreement 400-14-001 with Digital Energy, Inc., for a \$4,000,000 contract to assist and support the Energy Commission's Bright Schools – Clean Energy Jobs Act – Technical Assistance Program. The contractor will support modernization, deferred maintenance, and retrofit opportunities by conducting facility energy audits, preparing technical reports, identifying and evaluating cost-effective energy efficiency measures and clean onsite self-generation opportunities, and providing professional engineering support. (ECAA-Ed funding) Contact: Amir Ehyai. (Staff presentation: 5 minutes)

5. **Chief Counsel's Report:** The Energy Commission may adjourn to closed session with its legal counsel [Government Code Section 11126(e)] to discuss any of the following matters to which the Energy Commission is a party:
- a. *In the Matter of U.S. Department of Energy (High Level Waste Repository)*, (Atomic Safety Licensing Board, CAB-04, 63-001-HLW).
 - b. *Asphalt Roofing Manufacturers Association v. Energy Commission* (Third District Court of Appeal # C076990).
 - c. California Independent System Operator Corporation (Federal Energy Regulatory Commission, Docket No. ER12-2634).
 - d. *PECG v. Brown* (Alameda County Superior Court # RG10494800 [Furlough Litigation]).
 - e. *American Public Gas Association v. U.S. Department of Energy*, Case No. 11-1485 (9th Cir. Dec. 23, 2011).
 - f. *Energy Commission v. SoloPower, Inc. and SPower, LLC*. (Sacramento County Superior Court # 34-2013-00154569).
 - g. *Laborers' International Union of North America, Local #1184 v. Energy Commission (Blythe Solar Energy Center)*, (Supreme Court # S220286).
 - h. *Communities for a Better Environment and Center for Biological Diversity v. Energy Commission* (Court of Appeal, First Appellate District, # A141299).
 - i. *Helping Hand Tools and Rob Simpson v. Energy Commission* (Sacramento County Superior Court # 34-2014-80001904 [Quail Brush]).

The Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation or that constitute a significant exposure to litigation against the Commission.

6. **Executive Director's Report.**
7. **Public Adviser's Report.**
8. **Public Comment:** People may speak up to three minutes on any matter concerning the Energy Commission, with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

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Adjournment of Hearings and Meetings: Depending upon time available and the orderly management of proceedings, the Commission may order adjournment (recess or postponement) of any noticed hearing or meeting, to be continued to the next day, another specific date or time, or to the next business meeting, as appropriate. Any such adjournment will be noticed at the time the order of adjournment is made (Government Code §§11128.5, 11129).